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IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF TEXAS
CORPUS CHRISTI DIVISION

HECTOR ESPINOZA
REG. ID #78037-079
V.
JOE D. DRIVER

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§

C.A. NO. C-05-182

ORDER TO SHOW CAUSE

This is a petition for habeas corpus relief filed by a federal prisoner pursuant to 28 U.S.C. § 2241. The petition (D.E.1) was filed April 18, 2005, but petitioner failed to pay the \$5.00 filing fee or to submit a completed application to proceed *in forma pauperis* ("i.f.p."). By notice dated April 18, 2005, petitioner was informed that he had twenty days, or until May 8, 2005, to either pay the filing fee or to submitted a completed i.f.p. application. The time period has elapsed and petitioner has neither paid the fee nor submitted a completed i.f.p. application.

An action may be dismissed if the petitioner fails prosecute it or to comply with any order of court. FED.R.CIV.P. 41(b). Petitioner has failed to pay the requisite filing fee, 28 U.S.C. § 1914(a), and he has failed to properly apply to proceed as a pauper by filing an affidavit of indigence and certified trust account statement, 28 U.S.C. § 1915(a). Without paying the fee or applying to proceed *in forma pauperis*, petitioner's action cannot go forward.

It is therefore ORDERED that petitioner shall, within **twenty (20) days** of the date of entry of this order, show cause as to why this action should not be dismissed for want of prosecution.

ORDERED this 16th day of May, 2005.


B. JANICE ELLINGTON
UNITED STATES MAGISTRATE JUDGE